

Message Text

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13

ORIGIN NEA-12

INFO OCT-01 ADP-00 L-03 DODE-00 SCS-03 PM-07 RSC-01 /027 R

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L/ PM - LOUIS G. FIELDS

DOD - SOPHOCLES A. HERO

SCS - MR. MCCARTHY

----- 126857

R 212345 Z MAY 73

FM SECSTATE WASHDC

TO AMEMBASSY ATHENS

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E. O. 11652; N/ A

TAGS: CASC (DUDDLEY, EARL T.) (GOMEZ, FLEIX M.)

SUBJECT: CASE OF SA EARL T. DUDDLEY AND SA FELIX M.

GOMEZ, USN

1. EMBASSY HAS RECEIVED COPIES OF BASIC CORRESPONDENCE COVERING SUBJECT CASE INCLUDING TRIAL OBSERVER REPORT AND RELATED ENDORSEMENTS. THE DOD HAS RECOMMENDED THAT WE TAKE APPROPRIATE DIPLOMATIC STEPS TO VOID THE JUDGMENT RENDERED IN THE CASE OF EARL DUDDLEY AND FELIX GOMEZ ON GROUNDS THAT COURT PROCEEDED TO TRIAL WHILE DECISION WAS STILL PENDING ON OUR REQUEST FOR WAIVER.

2. IN OPINION OF NAVY JUDGE ADVOCATE GENERAL, IT WAS IMPROPER FOR COURT TO PROCEED TO TRIAL AND JUDGMENT WHILE A DETERMINATION AS TO JURISDICTION WAS PENDING BEFORE POLITICAL AUTHORITIES OF GREECE. THIS ACTION WAS IN VIOLATION OF SPIRIT AND INTENT OF NATO SOFA AND 1956 BI-LATERAL AGREEMENT GOVERNING STATUS OF U. S. ARMED FORCES IN GREECE.

3. BELIEVE THAT DIPLOMATIC PRESSURE TO OBTAIN VOIDANCE OF LIMITED OFFICIAL USE

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JUDGMENT IN THIS CASE IS NECESSARY TO STEM THE EROSION OF
WAIVER PROVISIONS UNDER NATO SOFA AND BILATERAL AGREEMENT
THAT HAS BEEN APPARENT SINCE HOMEPORTING WAS IMPLEMENTED.
WE ARE OF COURSE AWARE OF THE SENSITIVITY OF THIS ISSUE.
HOWEVER, REQUEST EMBASSY MAKE APPROPRIATE REPRESENTATIONS

TO GOG UNLESS YOU PERCEIVE REASONS NOT TO DO SO. IN THAT
EVENT, REQUEST EMBASSY VIEWS. RUSH

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*** Current Handling Restrictions *** n/a

*** Current Classification *** LIMITED OFFICIAL USE

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